

subsection for each year that appropriations are available.

(c) **FEASIBILITY STUDY AWARDS.**—

(1) **IN GENERAL.**—The Administrator may make awards for feasibility studies, planning, and operations to support the launch of new Cluster Initiatives.

(2) **AMOUNT.**—The total amount of awards made under paragraph (1) shall not exceed \$250,000.

(3) **ELIGIBLE RECIPIENTS.**—The Administrator may make awards under paragraph (1) to—

(A) a State;

(B) an Indian Tribe, an Alaska Native Corporation, or a Native Hawaiian Organization;

(C) a city or other political subdivision of a State;

(D) a nonprofit organization, including an institution of higher education or a venture development organization; or

(E) a consortium consisting of entities described in subparagraphs (A) through (D).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$50,000,000 for fiscal year 2022 and each subsequent fiscal year to carry out this section.

SA 1991. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division C, add the following:

SEC. 3314. INVESTIGATIONS OF ALLEGATIONS OF GOODS PRODUCED BY FORCED LABOR.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended—

(1) by striking “All” and inserting the following:

“(a) **IN GENERAL.**—All”;

(2) by striking “‘Forced labor’, as herein used, shall mean” and inserting the following:

“(c) **FORCED LABOR DEFINED.**—In this section, the term ‘forced labor’ means”;

(3) by inserting after subsection (a), as designated by paragraph (1), the following:

“(b) **FORCED LABOR DIVISION.**—

“(1) **IN GENERAL.**—There is established in the Office of Trade of U.S. Customs and Border Protection a Forced Labor Division, which shall—

“(A) receive and investigate allegations of goods, wares, articles, or merchandise mined, produced, or manufactured using forced labor; and

“(B) coordinate with other agencies to enforce the prohibition under subsection (a).

“(2) **PRIORITIZATION OF INVESTIGATIONS.**—In prioritizing investigations under paragraph (1)(A), the Forced Labor Division shall—

“(A) consult closely with the Bureau of International Labor Affairs of the Department of Labor and the Office to Monitor and Combat Trafficking in Persons of the Department of State; and

“(B) take into account—

“(i) the complicity of—

“(I) the government of the foreign country in which the instance of forced labor is alleged to have occurred; and

“(II) the government of any other country that has facilitated the use of forced labor in the country described in subclause (I);

“(ii) the ranking of the governments described in clause (i) in the most recent report on trafficking in persons required by section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1));

“(iii) whether the good involved in the alleged instance of forced labor is included in the most recent list of goods produced by child labor or forced labor required by section 105(b)(1)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)(C)); and

“(iv) the effect taking action with respect to the alleged instance of forced labor would have in eradicating forced labor from the supply chain of the United States.

“(3) **QUARTERLY BRIEFINGS REQUIRED.**—Not less frequently than every 90 days, the Forced Labor Division shall provide briefings to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding—

“(A) allegations received under paragraph (1);

“(B) the prioritization of investigations of such allegations under paragraph (2); and

“(C) progress made toward—

“(i) issuing withhold release orders for goods, wares, articles, or merchandise mined, produced, or manufactured using forced labor; and

“(ii) making findings in and closing investigations conducted under paragraph (1).”.

SA 1992. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. CENSORSHIP AS A TRADE BARRIER.

(a) **IN GENERAL.**—Chapter 8 of title I of the Trade Act of 1974 (19 U.S.C. 2241 et seq.) is amended by adding at the end the following:

“SEC. 183. IDENTIFICATION OF COUNTRIES THAT DISRUPT DIGITAL TRADE.

“(a) **IN GENERAL.**—Not later than 60 days after the date on which the National Trade Estimate is submitted under section 181(b), the United States Trade Representative (in this section referred to as the ‘Trade Representative’) shall identify, in accordance with subsection (b), foreign countries that are trading partners of the United States that engage in acts, policies, or practices that disrupt digital trade activities, including—

“(1) coerced censorship in their own markets or extraterritorially; and

“(2) other eCommerce or digital practices with the goal, or substantial effect, of promoting censorship or extrajudicial data access that disadvantages United States persons.

“(b) **REQUIREMENTS FOR IDENTIFICATIONS.**—In identifying countries under subsection (a), the Trade Representative shall identify only foreign countries that—

“(1) disrupt digital trade in a discriminatory or trade distorting manner with the goal, or substantial effect, of promoting censorship or extrajudicial data access;

“(2) deny fair and equitable market access to digital service providers that are United

States persons with the goal, or substantial effect, of promoting censorship or extrajudicial data access; or

“(3) engage in coerced censorship or extrajudicial data access so as to harm the integrity of services or products provided by United States persons in the market of that country, the United States market, or other markets.

“(C) DESIGNATION OF PRIORITY FOREIGN COUNTRIES.—

“(1) **IN GENERAL.**—The Trade Representative shall designate as priority foreign countries the foreign countries identified under subsection (a) that—

“(A) engage in the most onerous or egregious acts, policies, or practices that have the greatest impact on the United States; and

“(B) are not negotiating or otherwise making progress to end those acts, policies, or practices.

“(2) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

“(A) **IN GENERAL.**—The Trade Representative may at any time, if information available to the Trade Representative indicates that such action is appropriate—

“(i) revoke the identification of any foreign country as a priority foreign country under paragraph (1); or

“(ii) identify any foreign country as a priority foreign country under that paragraph.

“(B) **REPORT ON REASONS FOR REVOCATION.**—The Trade Representative shall include in the semiannual report submitted to Congress under section 309(3) a detailed explanation of the reasons for the revocation under subparagraph (A) of the identification of any foreign country as a priority foreign country under paragraph (1) during the period covered by the report.

“(d) **REFERRAL TO ATTORNEY GENERAL OR INVESTIGATION.**—If the Trade Representative identifies an instance in which a foreign country designated as a priority foreign country under subsection (c) has successfully pressured an online service provider to inhibit free speech in the United States, the Trade Representative shall—

“(1) submit to Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report detailing the precise circumstances of the instance, including the actions taken by the foreign country and the online service provider;

“(2) if the online service provider is under the jurisdiction of the United States, refer the instance to the Attorney General; and

“(3) if appropriate, initiate an investigation under section 302 and impose a remedy under section 301(c).

“(e) **PUBLICATION.**—The Trade Representative shall publish in the Federal Register a list of foreign countries identified under subsection (a) and foreign countries designated as priority foreign countries under subsection (c) and shall make such revisions to the list as may be required by reason of action under subsection (c)(2).

“(f) **ANNUAL REPORT.**—Not later than 30 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on actions taken under this section during the one-year period preceding that report, and the reasons for those actions, including—

“(1) a list of any foreign countries identified under subsection (a); and

“(2) a description of progress made in decreasing disruptions to digital trade.”.

(b) **INVESTIGATIONS UNDER TITLE III OF THE TRADE ACT OF 1974.**—Section 302(b)(2) of the

Trade Act of 1974 (19 U.S.C. 2412(b)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting “or designated as a priority foreign country under section 183(c)” after “section 182(a)(2)”; and

(2) in subparagraph (D), by striking “by reason of subparagraph (A)” and inserting “with respect to a country identified under section 182(a)(2)”.

(c) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following:

“Sec. 183. Identification of countries that disrupt digital trade.”.

SA 1993. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. INVESTIGATION OF CENSORSHIP AND BARRIERS TO DIGITAL TRADE.

(a) IN GENERAL.—Subsection (b) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter preceding subparagraph (A), as redesignated by paragraph (1), by striking “If the Trade Representative” and inserting “(1) If the Trade Representative”;

(3) by adding at the end the following:

“(2) For purposes of paragraph (1), an act, policy, or practice that is unreasonable includes any act, policy, or practice, or any combination of acts, policies, or practices, that denies fair and equitable market opportunities, including through censorship or barriers to the provision of domestic digital services, by the government of a foreign country that—

“(A) precludes competition by conferring special benefits on domestic entities or imposing discriminatory burdens on foreign entities;

“(B) provides inconsistent or unfair market access to United States persons;

“(C) requires censorship of content that originates in the United States; or

“(D) requires extrajudicial data access that disadvantages United States persons.”.

(b) AUTHORIZED ACTION.—Subsection (c) of such section is amended by adding at the end the following:

“(7) In the case of an act, policy, or practice described in paragraph (2) of subsection (b) by the government of a foreign country that is determined to be unreasonable under paragraph (1) of that subsection, the Trade Representative may direct the blocking of access from that country to data from the United States to address the lack of reciprocal market access or parallel data flows.”.

(c) CONFORMING AMENDMENT.—Section 304(a)(1)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)(A)(ii)) is amended by striking “(b)(1)” and inserting “(b)(1)(A)”.

SA 1994. Mr. PAUL (for himself, Mr. COONS, and Mr. TILLIS) submitted an amendment intended to be proposed to

amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 478, strike line 17, and all that follows through page 485, line 18, and insert the following:

SEC. 2527. BASIC RESEARCH.

(a) NONDISCLOSURE OF MEMBERS OF GRANT REVIEW PANEL.—Notwithstanding any other provision of law, each agency that awards a Federal research grant shall not disclose, either publicly or privately, to an applicant for such grant the identity of any member of the grant review panel for such applicant.

(b) PUBLIC ACCESSIBILITY OF RESEARCH FUNDED BY TAXPAYERS.—

(1) DEFINITION OF FEDERAL AGENCY.—In this section, the term “Federal agency” means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) FEDERAL RESEARCH PUBLIC ACCESS POLICY.—

(A) REQUIREMENT TO DEVELOP POLICY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this section, each Federal agency with annual extramural research expenditures of over \$100,000,000 shall have an agency research public access policy that is consistent with and advances the goals of the Federal agency.

(ii) COMMON PROCEDURES.—Where appropriate, Federal agencies required to develop a policy under clause (i) shall follow common procedures for ensuring access to research papers to minimize compliance burdens and costs and avoid unnecessary duplication of existing mechanisms.

(B) CONTENT.—Each Federal research public access policy shall provide for—

(i) submission to a digital repository or access through a system that achieves the goals of this section designated or maintained by the Federal agency of an electronic version of the accepted manuscript of original research papers that have been accepted for publication in peer-reviewed journals and that result from research supported, in whole or in part, from funding by the Federal Government;

(ii) the incorporation of any changes resulting from the peer review process in the accepted manuscript described under clause (i);

(iii) the replacement of the accepted manuscript with the final published version if—

(I) the publisher consents to the replacement; and

(II) the goals of the Federal agency for functionality and interoperability are retained; and

(iv) free online public access to such accepted manuscripts or final published versions within a time period that is appropriate for each type of research conducted or sponsored by the Federal agency, not later than 12 months after the official date of publication in peer-reviewed journals.

(C) APPLICATION OF POLICY.—Each Federal research public access policy shall—

(i) apply to—

(I) researchers employed by the Federal agency whose works remain in the public domain; and

(II) researchers funded by the Federal agency; and

(ii) provide that works described under clause (i)(I) shall be—

(I) marked as being public domain material when published; and

(II) made available at the same time such works are made available under subparagraph (B)(iv).

(D) EXCLUSIONS.—Each Federal research public access policy shall not apply to—

(i) research progress reports presented at professional meetings or conferences;

(ii) laboratory notes, preliminary data analyses, notes of the author, phone logs, or other information used to produce accepted manuscripts;

(iii) classified research, research resulting in works that generate revenue or royalties for authors (such as books) or patentable discoveries, to the extent necessary to protect a copyright or patent; or

(iv) authors who do not submit their work to a journal or works that are rejected by journals.

(3) RULE OF CONSTRUCTION REGARDING PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to limit any exclusive right under the provisions of title 17 or 35, United States Code.

(4) GAO REPORT.—Not later than 3 years after the date of enactment of this section, and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report that—

(A) includes an analysis of the period between the date on which articles generally become publicly available in a journal and the date on which the accepted manuscript is in the online repository of the applicable Federal agency;

(B) examines the effectiveness of the Federal research public access policy in providing the public with free online access to papers on research funded by each Federal agency required to develop a policy under paragraph (2)(A); and

(C) examines the impact of the Federal research public access policy on the availability, quality, integrity, and sustainability of scholarly communication and on the degree to which policies avoid unnecessary duplication of existing mechanisms.

(5) DOWNSTREAM REPORTING.—Any person or institution awarded a grant from a Federal research agency shall—

(A) notify and seek authorization from the relevant agency for any funds derived from the grant made available through a subgrant or subsequent grant (including to an employee or subdivision of the grant recipient's organization); and

(B) ensure that each subgrant or subsequent grant award (including to an employee or subdivision of the grant recipient's organization) funded with funds derived from the Federal grant is within the scope of the Federal grant award.

(6) IMPARTIALITY IN FUNDING SCIENTIFIC RESEARCH.—Notwithstanding any other provision of law, each Federal agency, in awarding grants for scientific research, shall be impartial and shall not seek to advance any political position or fund a grant to reach a predetermined conclusion.

SEC. 2528. GAO STUDY ON OVERSIGHT OF FEDERAL SCIENCE AND TECHNOLOGY GRANT MAKING AND INVESTMENTS.

(a) FINDINGS.—Congress finds that—

(1) in instances such as the Troubled Asset Relief Program, the American Recovery and Reinvestment Act of 2009, Iraq, and Afghanistan, Congress has created special inspectors general and other oversight entities focused on particular program areas who have performed in outstanding ways;

(2) the oversight entities described in paragraph (1) have helped to strengthen oversight